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Attorneys for Plaintiffs  
DEMETRIC DI-AZ and OWEN DIAZ

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DEMETRIC DI-AZ, OWEN DIAZ, and  
LAMAR PATTERSON,

Plaintiffs,

v.

TESLA, INC. dba TESLA MOTORS, INC.;  
CITISTAFF SOLUTIONS, INC.; WEST  
VALLEY STAFFING GROUP;  
CHARTWELL STAFFING SERVICES, INC.;  
and DOES 1-50, inclusive,

Defendants.

Case No. 3:17-cv-06748-WHO

**DECLARATION OF MELVIN BERRY**

1 I, MELVIN BERRY, hereby declare:

2 1. I am over the age of 18. If called upon to testify, I could and would testify  
3 competently as to the facts set forth in this declaration.

4 2. I am a Black man. I was employed by Tesla, Inc. ("Tesla") as a Production  
5 Associate at the Tesla Factory in Fremont, California from approximately June 2015 to October  
6 2016. I worked as a Production Associate on supermarkets 1A and 2, which were close to the  
7 elevators. I also serviced the battery line, heat sync line, and generations 2 and 3.

8 3. My first supervisor, Jay Gardner, and one of my leads, Brian Vicente, used the  
9 word "nigger" to refer to employees. They also said things like "you people always complain" or  
10 "you people are lazy" in reference to Black employees.  
11

12 4. I complained to Human Resources about the racial harassment, however nothing  
13 changed. I began experiencing panic attacks and severe headaches at work, so I was forced to  
14 take medical leave.  
15

16 5. When I returned to work after my leave, Brian Vicente was my new supervisor.  
17 Vicente continued harassing me as he did before. In fact, his use of the n-word became more  
18 frequent. Vicente also began targeting me. He changed my assignment to be a floater, so I was  
19 constantly moving throughout the factory to work.  
20

21 6. Supermarkets 1A and 2 were close to the elevators. When I worked there, I heard  
22 supervisors, leads, and some members of management say things like "all brothers stick  
23 together" or "it's a Black thing." I observed tension between staff and supervisors/management  
24 caused by supervisors/managers berating employees, talking down to them, and using racial  
25 epithets. Additionally, I heard the word "nigga/nigger" constantly by the elevators.  
26

27 7. The "Diaz" name sounds familiar to me from when I worked close to the  
28 elevators.

1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct. Executed on April 20, 2020 in ANTIOCH, California.  
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4 MELVIN DONOVON BERRY III

5 MELVIN DONOVON BERRY III (Apr 20, 2020)

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